



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
DeSALVO ET AL.)
Serial No. 09/724,256) Examiner: H. Phan
Filing Date: November 28, 2000)
Confirmation No. 7913) Art Unit: 2633
For: OPTICALLY AMPLIFIED)
RECEIVER)

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Assignee, Harris Corporation having a mailing address of 1025 W. NASA Blvd., Melbourne, FL 32919, verifies through its duly authorized representative that it is the owner of all right, title and interest in the present United States Patent Application Serial No. 09/724,256 (hereinafter "the '256 Patent Application"). The original Assignments for the '256 Patent Application were recorded on April 27, 2001 at Reel 011764, Frame 0977; and recorded on January 11, 2002 at Reel 012524, Frame 0947.

Assignee, Harris Corporation having a mailing address of 1025 W. NASA Blvd., Melbourne, FL 32919, verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent

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Nos. 6,542,277 and 6,748,179. The Assignment to the '277 patent was recorded on August 27, 2001 at Reel 012132, Frame 0088. The Assignment to the '179 patent was recorded on June 15, 2001 at Reel 011912, Frame 0834.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the '256 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, and as the term of said prior patents are presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,542,277 and 6,748,179. Assignee hereby agrees that any patent so granted on the '256 Patent Application shall be enforceable only for and during such period that it and the '277 and '179 Patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patents, as the term of said prior patents are presently shortened by any terminal disclaimer, in the event that they later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, have

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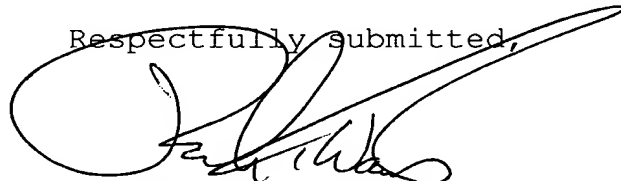
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all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term.

For submission on behalf of Assignee, the undersigned is the attorney of record.

The Commissioner is hereby authorized to charge the terminal disclaimer fee in the amount of **\$130.00** to Harris Corporation Deposit Account No. **08-0870**. If any additional extension and/or fee is required, charge Deposit Account No. **08-0870**.

Respectfully submitted,



RICHARD K. WARTHER
Reg. No. 32,180
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Phone: 407-841-2330

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 22nd day of August, 2005.

